

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael Slivka et al.

Application No.: 10/709,795

Filed: May 28, 2004

Entitled: ANCHORING SYSTEM AND METHOD
FOR CORRECTING SPINAL
DEFORMITIES

Docket No.: 101896-252 (DEP5319)

Group Art Unit: 3733

Examiner: Richard R. Shaffer

Certificate of Facsimile (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is being deposited via facsimile no. (571) 273-8300 to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date set forth below.

November 14, 2005

By: 

Date of Signature and Mail Deposit

Lisa J. Michaud/Reg. No: 44,238
Attorney for Applicant(s)Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This communication is in response to the Office Action dated October 18, 2005, requiring election of the above-referenced application to one of the following species:

Species I: Figure 2 (polyaxial)
Species II: Figure 3A (pivotal)

The Examiner submits that claims 1, 9-12, 19, 22-24, and 27-31 are generic.

At the outset, Applicants note that the list of species is incorrect. Species I should include Figures 1A-2, and Species II should include Figures 3A and 3B. Acknowledgement is respectfully requested.

Applicants elect the Group I species (Figures 1A-2). Claims 6-8, 17-18, 20-21, 26, and 32-35 read on the elected species. Applicants agree with the Examiner's assertion that claims 1, 9-12, 19,

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22-24, and 27-31 are generic to all species. Remaining claims 2-5, 13-16, and 25 are drawn to the non-elected species, and thus these claims are withdrawn from consideration.

The Examiner is encouraged to telephone the undersigned attorney for Applicants if such communication is deemed to expedite prosecution of this application.

Respectfully submitted,

Date: November 14, 2005



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